

FIRST AND FINAL APPLICATION SUMMARY SHEET OF PRAGER METIS CPAS LLC**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

X
*In re:*Chapter 11
Case No.: 22-70382-reg**SAVVA'S RESTAURANT, INC.
d/b/a HARVEST DINER,**

Debtor

X

NAME OF APPLICANT: Prager Metis CPA's, LLC

ROLE IN CASE: Accountant to the Debtor and Debtor In Possession

FEES PREVIOUSLY REQUESTED: \$ -

EXPENSES PREVIOUSLY REQUESTED: None

RETAINER PAID: None

CURRENT APPLICATION:

FEES REQUESTED: \$ 5,293.00

EXPENSES REQUESTED: None

PAYMENT RECEIVED: None

NAMES OF PROFESSIONALS/ PARAPROFESSIONALS	YEARS IN PRACTICE	TIME	HOURLY RATE	TOTAL FOR APPLICATION
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PARTNERS/PRINCIPALS

Corey Neubauer (CN)	Partner	25+	4.90	\$ 430.00	\$ 2,107.00
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ASSOCIATES

Michael Yodice (MY)	Staff	3+	10.80	\$ 295.00	\$ 3,186.00
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15.70

\$ 5,293.00

TOTAL BLENDED HOURLY RATE**\$ 337.13**

Prager Metis CPAs LLC

Brian A. Serotta
Corey H. Neubauer
401 Hackensack 4th Floor
Hackensack, NJ 07601
Tel: (201) 342-7753
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Accountant to the Debtor and Debtor-In-Possession

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

Case No. 22-70382-reg

SAVVA'S RESTAURANT, INC
d/b/a HARVEST DINER,

Debtor.

-----X

FIRST AND FINAL APPLICATION OF
PRAGER METIS CPAS, LLC, ACCOUNTANTS TO THE DEBTOR AN DEBTOR-IN-
POSSESSION PURSUANT TO BANKRUPTCY CODE SECTIONS 330 AND 331 FOR
ALLOWANCE OF COMPENSATION

To: The Honorable Robert E. Grossman
United States Bankruptcy Judge:

Prager Metis CPAs LLC ("Applicant" or "Prager") submits this Application for a final allowance of compensation as accountants to the Debtor and Debtor-In-Possession("Debtor"). This application covers the period August 22, 2022 through January 11, 2023 ("Application Period") and encompasses 15.70 professional hours. Pursuant to this Application Prager seeks an allowance of compensation for professional services rendered in the amount of \$5,293.00. This Application is submitted pursuant to the provisions of Bankruptcy Code §327 and 330. Applicant respectfully sets forth and represents as follows:

BACKGROUND

1. On March 4, 2022, the Debtor filed a voluntary petition pursuant to Chapter of Title 11

of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of New York.

2. By an order dated August 22, 2022 (“Retention Order”), Prager was retained as accountant to the Debtor. A copy of the Order approving the Applicant’s employment as accountant to the Debtor is annexed hereto as Exhibit A. The Retention Order required that an appropriate application for payment of the final compensation for the services rendered by Prager be brought before this Court in accordance with §330 and 331 of the Bankruptcy Code.

INTRODUCTION

3. Applicant is a firm of approximately six hundred (600) accountants, concentrating in the practice of, among other specialties, bankruptcy and insolvency related matters. In this regard, Applicant has extensive experience representing Debtors in proceedings before the Bankruptcy Courts in both the Eastern and Southern Districts of New York. As a result of Applicant’s extensive experience, Applicant submits that the services it rendered in the instant case, as set forth below, were efficient, economical and effective.

4. All services for which compensation is requested by Applicant were performed for, and on behalf of, the Debtor in furtherance of the administration of this estate and not on behalf of any committee, creditor, entity or other person except as otherwise explained in this Application.

5. In accordance with Federal Rules of Bankruptcy Procedure 2016, Applicant states that (a) all services for which compensation is sought herein were rendered to the Debtor solely in connection with this case, (b) Applicant has not received any payment or promise of payment for services rendered in this case, (c) no agreement or understanding exists between Applicant and any other person for the sharing of compensation to be received for services rendered in or in connection with this case and (d) no division will be made by Applicant and no agreement

prohibited by 18 U.S.C. §155 of Section 504 of the Bankruptcy Code has been made.

SERVICES PERFORMED BY PRAGER METIS CPAS LLC.

6. In conformity with the United States Trustee Guidelines for Reviewing Applications for Compensation Filed Under 11 U.S.C. § 330, dated January 30, 1996 (“U.S. Trustee Guidelines”) Prager has segregated its time entries during the Fee Period into two project categories, monthly operating reports and tax related services.

7. In this section of the Application, Prager describes, in summary fashion, the services performed during the Fee Period by project category.

A. Monthly Operating Reports (“MOR”)

8. Prager reviewed and discussed with the Debtor’s counsel the MORs for the periods prior to the appointment of Prager.

9. Prager prepared the monthly operating reports required to be filed by the United States Trustee for each of the nine months from April 2022 to December 2022 (“MOR Period”).

In connection therewith, Prager:

- a. Reviewed and summarized the Debtors’ bank statements for the MOR Period.
- b. Prepared MORs for each month in the MOR Period including UST 11-MOR.
- c. Reviewed the draft MORs with the Debtor’s counsel.
- d. Updated the MORs with any suggested revisions from the Debtor’s counsel.
- e. Forwarded the final MORs to counsel for the Debtor’s principals’ signature and subsequent filing with the Court.

10. 13.90 hours amounting to \$4,519.00 in fees were incurred by Prager during the Fee Period for the preparation of the Debtor's monthly operating reports.

B. Tax related services

11. Prager prepared a capital gains analysis on the sale of the Debtor's real property. In connection therewith, Prager:

- a. Reviewed the Debtor's Corporation Tax returns to determine if any (i) net operating losses are available and (ii) tax basis of the real property.
- b. Recalculated the accumulated depreciation for the property to determine the remaining tax basis.
- c. Prepared a tax projection of the estimated selling price of the property. Discussed projection with the Debtor's counsel.

12. 1.80 hours amounting to \$774.00 in fees were incurred by Prager during the Fee Period for the tax related services.

RELIEF REQUESTED

13. For the Application Period, Prager devoted 15.70 hours of professional time (as listed on the time summary report and detailed time records attached hereto as Exhibit B) to this case.

14. A Summary by Project is annexed hereto as Exhibit C.

15. The blended hourly rate for all professionals on this engagement was \$337.13.

16. Applicant respectfully submits that its efforts on behalf of the Debtor's estate were reasonable and necessary in the circumstances, were performed by personnel with the requisite skills, experience and were of benefit to the Debtor's estate.

17. An Affidavit of Certification of Fees and Disbursements for Professionals is annexed hereto as Exhibit C.

WHEREFORE, Applicant hereby requests that this Court award Applicant a final allowance of compensation of \$5,293.00 and for such other relief as this Court may deem just, proper and equitable.

Dated: January 11, 2023

/s/ Corey H. Neubauer CPA

Corey H. Neubauer, CPA

Prager Metis CPAs LLC,

EIN#06-1667465

401 Hackensack Ave, 4th Floor

Hackensack, New Jersey 07601

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EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11
Case No.: 22-70382-reg

SAVVA'S RESTAURANT, INC.,
d/b/a HARVEST DINER,

Debtor.

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**ORDER AUTHORIZING SUBSTITUTION OF ACCOUNTANTS FOR CHAPTER 11
DEBTOR IN POSSESSION**

Upon the application (the "Application") of Savva's Restaurant, Inc., d/b/a Harvest Diner, the debtor and debtor-in-possession herein (the "Debtor"), by its attorneys Pryor & Mandelup, L.L.P., seeking an order pursuant to 11 U.S.C. Sections 327(a) and 328(a), authorizing the Debtor to substitute, and retention and employ of Prager Metis CPAs LLC ("Prager Metis") as its accountants herein, in place and instead of Zimmerman Company, CPA ("Zimmerman"), and upon the affidavit of Corey H. Neubauer, a member of Prager Metis, annexed as Exhibit "A" to the Application; and upon the Stipulation of Substitution signed by Zimmerman, Prager Metis and the Debtor attached as Exhibit "B" to the Application; and notice of the Application having been served upon the Office of the United States Trustee; and no adverse interest having been represented; and after due deliberation it appearing to the satisfaction of this Court that: (1) the Debtor's substitution and employment of Prager Metis as its accountants in place and instead of Zimmerman, is necessary and in the best interest of the Debtor, its creditors, and the estate; (2) Prager Metis does not hold or represent any interest adverse to the Debtor or the estate herein with respect to the matters upon which it is to be engaged; and (3) Prager Metis is a disinterested person as that term is defined by 11 U.S.C. Section 101(14), it is hereby

ORDERED, pursuant to 11 U.S.C. §§ 327(a) and 328(a), that the Debtor is authorized to employ and retain Prager Metis as its accountants herein, in place and instead of

Zimmerman herein to render the accounting services set forth in the Application and Affidavit and to render such other and further accounting services as may be required by the Debtor, with estimated fees of Prager Metis being the aggregate sum of \$8,000.00, and it is further

ORDERED, that Prager Metis shall be paid for its services on an hourly fee basis plus reimbursement of all necessary, actual out-of-pocket expense, up to a cap of \$8,000.00, (subject to adjustment in the future upon further application to this Court), upon interim or final fee application(s) submitted by Prager Metis and as approved by Order(s) of this Court pursuant to Bankruptcy Code Section 330 and 331, after notice and hearing as required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules and Orders of this Court.

NO OBJECTION:

**UNITED STATES TRUSTEE
FOR THE EASTERN DISTRICT OF NEW YORK**

By: /S/ Stan Y. Yang 8/19/2022

**Dated: Central Islip, New York
August 22, 2022**



**Robert E. Grossman
United States Bankruptcy Judge**

EXHIBIT B

**SAVVA'S RESTAURANT, INC.,
d/b/a HARVEST DINER**

CASE NO. 20-70382-REG

SUMMARY BY PROFESSIONAL

Acc't	Position	Time	Rate	Amount
Corey Neubauer(CN)	Partner	4.90	\$ 430.00	\$ 2,107.00
Michael Yodice(MY)	Staff	<u>10.80</u>	\$ 295.00	<u>\$ 3,186.00</u>
		<u>15.70</u>		<u>\$ 5,293.00</u>

SAVVA'S RESTAURANT, INC.,
d/b/a HARVEST DINER

CASE NO. 20-70382-REG

PROFESSIONAL TIME DETAIL

DATE	ACC'T	SERVICE PERFORMED	TIME	HOURLY RATE	TOTAL
5/12/2022	MY	Preparing the Monthly Operating Report ("MOR") for April 2022 as well as creating new cash receipts and cash spreadsheet with bank reconciliation tab. Setting up cumulative totals for month to month reporting.	1.40	\$ 295.00	\$ 413.00
5/12/2022	CN	Review of the April 2022 MOR.	0.80	\$ 430.00	\$ 344.00
5/20/2022	CN	Telephone call with Neil Ackerman ("NA"), Debtor's attorney regarding the state of the MOR.	0.30	\$ 430.00	\$ 129.00
5/20/2022	CN	Telephone call with NA, re: MOR status and incorporate revisions per our call.	0.50	\$ 430.00	\$ 215.00
5/20/2022	MY	Printing cash receipts spreadsheet, cash disbursements spreadsheet, bank reconciliation spreadsheet and MOR for review by Debtor's counsel.	0.50	\$ 295.00	\$ 147.50
6/8/2022	MY	Preparing May 2022 monthly operating report, preparing cash receipts spreadsheet, cash disbursements spreadsheet and bank reconciliation spreadsheet, redacting bank statements and combining all attachments for email to NA.	1.10	\$ 295.00	\$ 324.50
6/10/2022	MY	Review of May 2022 monthly operating report with CN, compiling reports and sending to attorney for debtor. Resolve signature issues with the Debtor's principal.	1.10	\$ 295.00	\$ 324.50
6/10/2022	CN	Review of the June 2023 monthly operating report.	0.30	\$ 430.00	\$ 129.00
6/15/2022	CN	Prepare tax analysis of sale of property, compute tax basis, review corporate return for any Federal or New York State net losses results to the Debtors counsel. Had various discussions with counsel.	1.80	\$ 430.00	\$ 774.00
7/12/2022	MY	Preparing monthly operating report, cumulative receipts and disbursements spreadsheet, and bank reconciliation assembly package of MOR and attachment for email to debtor and trustee.	1.00	\$ 295.00	\$ 295.00
8/10/2022	MY	Prepared the July 2022 MOR.	1.00	\$ 295.00	\$ 295.00
9/12/2022	MY	Preparing August 2022 Monthly Operating Report with bank reconciliation and all supporting docs.	1.30	\$ 295.00	\$ 383.50
9/13/2022	CN	Review of the August MOR.	0.30	\$ 430.00	\$ 129.00
10/7/2022	MY	Preparation of September 2022 monthly operating report and all corresponding schedules and attachments.	0.80	\$ 295.00	\$ 236.00
10/7/2022	CN	Review of the September MOR	0.20	\$ 430.00	\$ 86.00
11/9/2022	MY	Preparation of October 2022 Monthly Operating Report.	0.90	\$ 295.00	\$ 265.50
11/9/2022	CN	Review of the October 2022 MOR.	0.20	\$ 430.00	\$ 86.00
12/8/2022	MY	Preparation of November 2022 Monthly Operating Report and accompanying schedules.	0.90	\$ 295.00	\$ 265.50
12/8/2022	CN	Review of the November 2022 MOR.	0.30	\$ 430.00	\$ 129.00
1/9/2023	MY	Preparation of December 2022 Monthly Operating Report and accompanying schedules.	0.80	\$ 295.00	\$ 236.00
1/9/2023	CN	Review of the December 2022 MOR.	0.20	\$ 430.00	\$ 86.00
			15.70		\$ 5,293.00

EXHIBIT C

**SAVVA'S RESTAURANT, INC.,
d/b/a HARVEST DINER**

CASE NO. 20-70382-REG

SUMMARY BY PROJECT

<u>Acc't</u>	<u>Position</u>	<u>Time</u>	<u>Rate</u>	<u>Amount</u>
<u>Monthly opertating reports</u>				
Corey Neubauer(CN)	Partner	3.10	\$ 430.00	\$ 1,333.00
Michael Yodice(MY)	Staff	<u>10.80</u>	\$ 295.00	<u>\$ 3,186.00</u>
		<u>13.90</u>		<u>\$ 4,519.00</u>
<u>Tax related matters</u>				
Corey Neubauer(CN)	Partner	<u>1.80</u>	\$ 430.00	<u>\$ 774.00</u>
		<u>1.80</u>		<u>\$ 774.00</u>
	Total	<u><u>15.70</u></u>		<u><u>\$ 5,293.00</u></u>

EXHIBIT D

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

Case No. 22-70382-reg

SAVVA'S RESTAURANT, INC
d/b/a HARVEST DINER,

Debtor.

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CERTIFICATION IN SUPPORT OF APPLICATION

TO THE HONORABLE ROBERT E. GROSSMAN,
UNITED STATES BANKRUPTCY JUDGE:

In accordance with Administrative Order M-447 dated January 29, 2013 ("Amended Guidelines"), Corey H. Neubauer, CPA, a partner of Prager Metis CPAs, LLC ("Prager"), accountant to the Debtor and Debtor-In-Possession ("Debtor"), hereby certifies with respect to Prager's final application for allowance of compensation for the August 22, 2022 through January 11, 2023. ("Application"), as follows:

1. I am "Certifying Professional" as defined in the Amended Guidelines.
2. I have read the Application, and certify that to the best of my knowledge, information and belief, formed after reasonable inquiry, except as specifically indicated to the contrary, (a) the Application complies with the Amended Guidelines, (b) the fees and disbursements sought by Prager in the Application fall within the Amended Guidelines, (c) the fees and disbursements sought by Prager, except to the extent prohibited by the Amended Guidelines, are billed at rates, and in accordance with practices, customarily employed by Prager and generally accepted by Prager's clients; and (d) in providing a reimbursable service, Prager does not make a profit on the service, whether the service is performed by Prager in-house or through a third party.
3. The Debtor was provided with a statement containing a list of the professionals performing services, their respective billing rates, the aggregate hours spent by each

professional, a general description of the services rendered, and a reasonably detailed breakdown of the disbursements incurred.

4. The Debtor was provided with a copy of the Application at least 14 days before the scheduled return date on the Application.

Dated: January 11, 2023

/s/ Corey H. Neubauer, CPA

Corey H. Neubauer, CPA
Prager Metis CPAs LLC,
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